IN THE HIGH COURT OF BOMBAY AT GOA

APPLN. FOR APPOINTMENT OF ARBITRATOR NO. 1 OF 2005

M/S PREMIER BUILDERS, PANAJI GOA ....Applicant

Versus

M/S HIMACHAL FUTURISTIC COMMUNICATIONS LTD., ...Respondent

Mr Sudesh Usgaokar with Ms. P. Kamat, advocates for the applicant.
Mr. M. S. Sonak, advocate for the respondent.

Coram:- R. M. LODHA, J.

Date:- 21st September, 2005

P.C.

The learned counsel for the parties are ad idem that Shri G. D. Kamat (Retired Chief Justice of Gujarat High Court) may be appointed as Sole Arbitrator in the dispute between the parties in respect of the work of construction of bulding for cable expansion project for the respondent at Verna, Goa and the matter may be referred to him for adjudication. The learned counsel for the parties also agree that it be left open to the Sole Arbitrator to consider and decide about the existence of arbitration agreement.

In the light thereof I dispose of this application under Section 11 of the Arbitration and Conciliation Act, 1996 by the following Order:-

(i) Shri G. D. Kamat (Retired Chief Justice of the High Court of Gujarat) is appointed as Sole Arbitrator to adjudicate and decide the dispute between the parties in respect of the work of constructon of building for cable expansion project of the respondent (M/s Himachal Futuristic Communications Ltd.) at Verna, Goa;

(ii) The question of existence of any arbitration agreement between the parties shall be considered and decided by the Sole Arbitrator; and

(iii) The proceedings before the Sole Arbitrator shall be governed by the provisions of the Arbitration and Conciliation Act, 1996.

R. M. LODHA, J.

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